

it contributes to the highway trust fund, a so-called donor State.

But rather than address the solvency of the trust fund and the inequitable burden put on donor States before the authorization expires at the end of September, the administration has completely ignored the issue altogether.

The President's infrastructure plan doesn't even draw on the highway trust fund. So in order to pay for the sweeping liberal wish list, President Biden has proposed the largest set of tax hikes in more than half a century. By increasing the business tax rate from 21 to 28 percent, we would see an increase in revenue in the short term but serious long-term economic harm.

The tax burden on American companies would be greater than that of our biggest trading partner, as well as our competitors, and would have far-reaching consequences on our competitiveness and our economy and jobs for hard-working American families.

After all, we know the cost of these tax hikes won't be reflected in lower earnings for CEOs. The brunt would be borne by consumers who pay higher prices, workers who earn lower wages, and, let's not forget, those whose jobs would disappear entirely.

A study by the National Association of Manufacturers found this proposal would put 1 million people out of work in the United States in the next 2 years—a million people out of work. Just as we are beginning to come out of the pandemic, having been vaccinated and taking care for both our health and the health of others and now opening up our economy, this would be the reward for the American people: 1 million Americans out of work as a result of this misguided policy.

This legislation is not about improving America's roads and bridges; it is another partisan wish list under the guise of something that has traditionally enjoyed bipartisan support. Despite what some people think, the American people, I believe, are smart enough to see through this bill for what it is, an unaffordable, unwanted liberal wish list.

The Federal deficit is at its highest since World War II. This is not a time to go on another spending spree, using borrowed money from future generations. This is the time to craft smart policies that achieve the needs of our country without driving the next generation deeper and deeper into debt.

There is no question that America's roads and bridges—our real infrastructure—need an investment from the Federal Government, but we can update that infrastructure for far less than \$2.65 trillion.

Last Congress, the Environment and Public Works Committee developed a truly bipartisan example of an infrastructure bill. It included provisions for rebuilding our crumbling roads and bridges to improve road safety, protect the environment, and grow the economy.

The bill was so popular, in fact, that it passed the committee unanimously. And what was the pricetag on that bill? Just over 10 percent of the cost of the President's current proposal. It would have authorized \$287 billion over 5 years. That is \$100 billion less than what Democrats proposed spending on caregiving alone.

A bipartisan bill to rebuild our crumbling roads and bridges is possible. We have done it before, and we can do it again. But our Democratic colleagues are going to have trouble getting not only Republicans but many Members of their own party on board if they continue to push this sort of unrealistic, economy-harming sort of plan.

I am sure it comes as no surprise that putting Americans out of work while driving up the deficit and hurting our global competitiveness are wildly unpopular. Even smoke and mirrors can't conceal the impact of this so-called infrastructure bill.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Iowa.

HONORING STATE PATROL SERGEANT JIM SMITH

Mr. GRASSLEY. Mr. President, a short tribute and then maybe about an 8- or 9-minute speech that I have.

Today, I want to pay tribute to Iowa State Patrol Sergeant Jim Smith, who courageously gave his life in the line of duty this past Friday.

Sergeant Smith, a 27-year Iowa State Patrol veteran and a tactical team leader, put himself in harm's way on behalf of his fellow Iowans last week, and it cost him everything.

Sergeant Smith is being remembered as a dedicated father, a loyal public servant, a man of God who left a positive impression on everybody he encountered.

I mourn for his family, fellow troopers, friends, and the entire Independence, IA, community at this tragic loss.

OPIOID EPIDEMIC

Mr. President, I pose the following question to my fellow Senators, something I doubt there is much disagreement on, but time is moving on. We need to take some action shortly. So this question, if a deadly poison were killing thousands of Americans each year, what would you do? Would you work to find the solution to prevent these deaths, or would you choose to be complacent, reactive, and allow fellow citizens to die? If all levels of law enforcement were pleading for action to prevent future fatalities, would you heed their warning—the last question—or would you roll the dice with the lives that are on the line?

I know I would seek to be very proactive. I am here today to call attention to the dire need for Congress to schedule fentanyl-related substances before it is too late.

Without hyperbole or theatrics, such action could save the lives of thousands of Americans. Fentanyl is a synthetic opioid that is about 30 times more potent than heroin.

While dangerous and deadly, fentanyl also has some medically recognized qualities, often for pain management. However, fentanyl abuse has become more common and more dangerous in recent years because of the increase in fentanyl analogs. These analogs are chemically similar to fentanyl, but many are much more powerful and, of course, deadly.

Much of the illicitly manufactured fentanyl that is responsible for American overdoses and the deaths connected with them has originated in China. Unfortunately, these deadly drugs are not permanently controlled in the United States. As such, fentanyl analogs aren't on the same footing as other dangerous drugs like heroin, LSD, ecstasy, or cocaine. The sad part is, the drug dealers know all of this. They can skirt the law by easily manipulating the structure of fentanyl so that it isn't technically covered by existing law. But that doesn't make it any less potent and dangerous. We all know the results are lethal. How lethal? Well, the Centers for Disease Control and Prevention states that more than 36,000 people died from overdoses involving synthetic opioids like fentanyl in 2019. Nearly 50,000 overdose deaths are projected for 2020.

As is, the law can't keep up with the rapidly evolving drug trends when the chemists work on these drugs and change them just a little bit to get around the law. The Attorney General can outlaw new variations of a drug on an ad hoc basis, but do you know what? This process can take years. By the time an analog is added to the schedule, do you know what? The drug traffickers are already out with one or more other variations that don't violate that law. Simply put, the law can't keep up with the rapid pace of illicit drug producers and traffickers. This is particularly problematic for fentanyl analog enforcement.

How can we address this seemingly endless cycle? How can we ensure that those suffering from substance use disorders aren't killed at the hands of greedy drug dealers? The answer is to stop fentanyl analogs from being available in the very first place. We must keep it out of our country and, hence, then being peddled by criminals.

On February 6, 2018, the Drug Enforcement Administration published a temporary order that scheduled and placed all fentanyl-related substances in schedule I. Congress subsequently extended this authority until May 6 of this year, which is just around the corner. So we have 23 days until this authority expires. Congress must act to extend this scheduling order. If we do not, we will face a surge of rapidly emerging fentanyl drugs, wherein the chemists and the criminals will be ahead of anything that the Justice Department does.

The Justice Department then has made clear that this classwide scheduling order has made a big difference in Chinese fentanyl entering our country.

China has agreed to match U.S. policy targeting synthetic fentanyl, but if we lose the authority to rapidly detect and outlaw fentanyl analogs, we lose any footing that we have with the Chinese Government in preventing fentanyl from entering our country. This scheduling order saves lives because China reciprocates. China's motive in scheduling fentanyl analogs isn't necessarily altruistic; it is because the United States is doing it. So if we stop, China stops, and if that happens, fentanyl analogs will surely flood our communities.

We can prevent this, so we must prevent it. With the ongoing increase in overdose deaths, we must continue to support efforts to curb fentanyl abuse. This means we must extend the classwide scheduling order that otherwise expires on May 6, 23 days away.

Now this, I think—I am pretty sure—isn't a political or a partisan issue. Senators from both sides of the aisle support efforts to schedule fentanyl substances. Members of the Biden administration have also indicated that addressing fentanyl is urgent. In fact, during his confirmation hearing before the Senate Judiciary Committee, Attorney General Garland stated that the constantly evolving nature of fentanyl analogs is—and I want to quote the new Attorney General—"a problem both for detection as well as . . . enforcement" and that he is "in favor of doing something either by scheduling or legislation" to proactively address the problem of fentanyl-related substances. Likewise, both law enforcement and substance abuse prevention groups believe Congress must act in scheduling fentanyl.

It is up to Congress to pass legislation to extend the fentanyl scheduling order. So I urge all of my colleagues to join me and a lot of other Republicans and Democrats in the fight against fentanyl. In the midst of an opioid epidemic, a polydrug crisis, and a COVID-19 pandemic, how can we allow for any additional death and destruction? The clock is ticking. We are closing in on the deadline of May 6.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that all time be yielded back on both sides on the Sherman nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON SHERMAN NOMINATION

All postcloture time has expired.

The question is, Will the Senate advise and consent to the Sherman nomination?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 146 Ex.]

YEAS—56

Baldwin	Heinrich	Portman
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Romney
Booker	Kaine	Rosen
Brown	Kelly	Sanders
Burr	King	Schatz
Cantwell	Klobuchar	Schumer
Capito	Leahy	Shaheen
Cardin	Lujan	Sinema
Carper	Manchin	Smith
Casey	Markey	Stabenow
Collins	Menendez	Tester
Coons	Merkley	Van Hollen
Cortez Masto	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	

NAYS—42

Barrasso	Graham	Moran
Blackburn	Grassley	Paul
Blunt	Hagerty	Risch
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Cassidy	Hyde-Smith	Scott (FL)
Cornyn	Inhofe	Scott (SC)
Cotton	Johnson	Shelby
Cramer	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Toomey
Daines	Lummis	Tuberville
Ernst	Marshall	Wicker
Fischer	McConnell	Young

NOT VOTING—2

Rounds	Tillis
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 33, Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission.

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Patty Murray, Jeff Merkley, Tammy Baldwin, Elizabeth Warren,

Robert Menendez, Richard Blumenthal, Kirsten E. Gillibrand, Chris Van Hollen, Ron Wyden, Angus S. King, Jr., Robert P. Casey, Jr., Amy Klobuchar, Christopher Murphy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2021, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Carolina (Mr. TILLIS).

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 147 Ex.]

YEAS—53

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Lummis	Stabenow
Coons	Manchin	Tester
Cortez Masto	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Grassley	Ossoff	Wyden
Hassan	Padilla	

NAYS—45

Barrasso	Fischer	Paul
Blackburn	Graham	Portman
Blunt	Hagerty	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young

NOT VOTING—2

Rounds	Tillis
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2021.

The PRESIDING OFFICER. The Senator from New Hampshire.

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. HASSAN. Mr. President, I ask unanimous consent that the Senate